Frank Sentenced to Hang On October 10th, But Fight For New Trial Will Stay the Execution for Many Months

TWELVE PEERS OF LEO M. FRANK WHO FOUND GUILTY OF MURDER

This photograph of the Frank jury was made a few minutes after Foreman Winburn read the verdict and before say of the jurymen had left their seats. Front row, left to right: A. M. Henslee, M. S. Woodward, D. Townsend, F. E. Winburn (foreman), F. Van, L. Smith, and A. L. Wisbey. Back row, left to right: J. F. Higdon, W. F. Medcalf, M. Johenning, C. J. Basshart, J. T. Osburn and W. M. Jefferies.

Secrets of Frank, Mary Will Never Be Known In Public, Declare the Tired Jurors

Foreman Winburn and Others Tell of the Troubles and Complexities of a Juror's Life—Public Sentiment Did Not Influence Them.

What occurred behind the closed doors of the jury room during the four hours and seven minutes the twelve "good men and true" were deliberating on the fate of Leo M. Frank, whom they found guilty of murdering Mary

Phagan, will never be known to the public, unless one of the dozen violates a solemn oath. Immediately after the talesmen had chosen a foreman in the seclusion of their room Monday and before they balloted on the guilt or innocence of the young factory superintendent, each man raised his hand and swore never to reveal what was to come in the hours intervening between that moment and the time of their dismissal. At the time they did not know that there was such a unity of mind and that a decision was to be reached so quickly. Probably they pictured long argument and persuasion to reach an agreement.

"The men all swore solemnly, and I am sure that none will violate their oath," said Foreman Winburn Tuesday morning. "The secrets of the Frank jury room will remain secret."

The talesmen Tuesday are spending their first day of complete freedom in nearly a month. Most of the remained one more day away from their business routine to "get acquainted with their families," as one of them expressed it.

All the twelve are more or less inclined to reticence on the trial. They are tired of it, they say, and want to forget all about legal battles and murder cases for a few days at least. "It was the most serious thing in my life, this sending a man to death," said one of the men. "But we all felt that Frank was guilty not only beyond a reasonable doubt, but beyond almost a possible doubt. We all agreed that the evidence was conclusive and Solicitor Dorsey's theory of the murder was ours."

All the men were warm in their praise for the work of the state's prosecutor. They felt his sincerity, they say and, although they declare that they would have convicted without his brilliant closing argument they do not begrudge time that it took.

Do you remember when Dorsey finished his argument with 'guilty, guilty, guilty' with pauses between each word?," asked Juror W. F. Medcalf. "The most remarkable thing occurred just then. It was exactly high noon and the chimes on the Catholic church a block away rang out simultaneously, a stroke to each word. We all heard it."

BACK AT WORK.

Deder Townsend was among the few jurors who resumed work Tuesday morning. He is a teller at the Central Bank and Trust corporation and was at the window as usual Tuesday morning. He voiced the sentiment of the whole twelve men probably when he praised the sheriff's corps on deputies which has had the jury in charge.

"There was nothing lacking for our comfort," he said. "We felt that everything was being done for us that reasonably could be. And we didn't have such a bad time together. We got so well acquainted that we are just like brothers now."

The deputies who have had in their care the jury return the compliment. They are a unit in declaring that the jury was the most obedient, orderly and generally satisfactory bunch of talesmen they have ever dealt with.

Card playing, reading, singing and piano playing occupied the evenings of

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SECRETS OF FRANK JURY WILL NEVER BE KNOWN, SAY TIRED JURORS

the men in their hotel. C. J. Bosshardt remarked that the twelve stood willing to challenge any other dozen men in Atlanta to a game of straight- away sent back. They practiced so much that they are experts now, he declared.

The jury boasted of a quartet which entertained with song for an hour or two every evening. Two or three were also expert on the piano. On at least one occasion, it has been disclosed, an outsider heard the harmony of these voices. Mrs. Deder Townsend, who hadn’t been married to Juror Townsend but a short while before he was taken from her side to fill a chair in the jury box, called the hotel on the telephone one night and requested a bailiff to tell her husband she was lonesome.

“Wait a minute,’ said the bailiff. A minute later Mrs. Townsend heard, “I won’t Be Home Until Morning,” over the wire. Among the voices she discerned her husband’s. Several other selections were rendered before the receiver was hung up, it is said.”

SUSPENDED FROM CLUB.

The complexities in the affairs of the twelve men which arose during their absence are two numerous for mention. Several surprises awaited Foreman Winburn, for example. A reporter intercepted him on his way to his club.

“I found a notice that I was suspended for not paying my debts,” he explained, “and I am on my way now to get reinstated.”

But this was not Mr. Winburn’s only trouble. He discovered Monday evening that F. J. Baker, who temporarily filled his office as claim agent of the Atlanta and West Point Railway company, was ill and married. Baker’s secret marriage eleven months ago was revealed by his bride when she feared that he was going to die last week. Mr. Baker is recovering, it is said.

The twelve men propose a reunion some time in the future, at which time all the Mrs. Jurors will be present and get acquainted.

Each one of the jurors declared that he had been guided solely by the evidence in the case and that conditions outside the court room had absolutely no influence on their verdict. At no time during the trial did they hear cheering, they say. Occasionally they heard laughter in the audience, but it was provoked by a pleasantry that caused them to laugh, too.

PDF PAGE 3

NEWT LEE LEAVES TOWER,

STARTS SEARCH FOR JOB

Was Released Tuesday Morn-

ing by Order of Judge Roan

At Instance of Dorsey

Newt Lee, the negro night watchman who discovered the body of Mary Phagan in the basement of a National

Pencil factory, was released from the Fulton county jail Tuesday morning at 11:10 o'clock, by order of Judge L. S. Roan.

Newt carried in his hand as he left the jail a couple of baskets, containing aid clothes and one thing and another. He directed his footsteps toward police headquarters, where he said he "had some business to attend to."

To the reporters he said: "No, sir, white folks. I ain't got no home I reckon, and maybe got no wife by this time. I don't know where I'm goin', 'cept I'm going to get me a job as soon as I can find one. Is I glad to get out? I shore is, white folks. But I feel sorter weak from sittin' around in jail so long and doin' nothing'."

It turned out at police station that Newt's business consisted in getting some personal effects left there when he was transferred from police station is the jail.

Newt was placed in custody ever since 3 o'clock Sunday morning, April 11. It was he discovered the body of Mary Phagan in the factory basement and who notified the police. At first suspicion was directed toward Lee, and the coroner's jury ordered him held for investigation by the grand jury.

The grand jury did not think enough of the evidence against Lee to indict him, but agreed with Solicitor Dorsey that he should be held in jail as a material witness against Leo M. Frank.

Newt Lee was kept on the witness stand for almost two days by Attorney Rosser, who plied him with question after question, sometimes coaxing him and other times scolding

him. The negro held his own in a wonderful manner. He could not be rattled or shaken.

Frank was found guilty Monday afternoon and Tuesday morning Solicitor Dorsey petitioned Judge Roan for an order releasing Newt Lee. The solicitor stated in his petition that his office and the city detectives had made a diligent search and had failed to find anything to connect Newt Lee with Mary Phagan's murder.

Frank Trial Cost County

Of Fulton Nearly $6,000;

Jurors Got Only $2 a Day

Trial Was Costliest Criminal

Litigation In History of Ful-

ton County—Defense Paid

Out Much More Money Than

Prosecution.

The trial of Leo M. Frank has cost the county of Fulton, according to the rough estimates made up Tuesday by Sheriff Wheeler Mangum and Deputy George Broadnax, approximately $160 per day, or $4,640 for the entire trial, exclusive of the fees to expert witnesses and the incidental expenses of the solicitor general.

The jurors received $2 per day for twenty-nine days and the cost of boarding each man was $3 per day, making the total cost of the jury $1,740 for the entire trial.

To care for the jury and to guard the doors against the rushes of the crowds and for similar duties, it took twenty

bailiffs during the Frank trial and they are paid at the rate of $2 per day. The bailiffs worked only twenty-five days, however, so it will take only $1,000 to pay them.

Other costs of the trial, like the salary of the judge, who gets $2,000 per year for presiding over the criminal court; the salary of the court stenographer, etc. are fixed charges that would, he paid whether court was in session or not.

While the solicitor general himself will get no extra fees for trying the sensational murder case, by agreement with the board of county commissioners, he has been allowed an expense fund. Dr. H. F. Harris, of the state board of health, one of the principal witnesses for the state, together with the other physicians, who appeared as expert witnesses, will probably be paid by the county, but the amount of their bills is not yet known.

These fees, which can not now be estimated, will bring the total cost of the south's longest murder trial up to probably $6,000. The defense of Leo M. costly than his prosecution. One item alone, which the defense will pay is a stenographer's bill of approximately $2,700.

Court attaches declared that the expense of the Frank trial more than doubles the expense of any other criminal litigation in the history of the county.

MOTHER FINDS FRANK

UNBROKEN BY VERDICT

Emil Selig Also Visits Him,

Prisoner Slept Well,

Jailers Say

Emil Selig, father-in-law of Leo M. Frank, was the first person to call on The convicted man at the jail Tuesday Morning. Accompanied by a friend, he Arrived about 8 o’clock with breakfast For the prisoner.

Mrs. Rae Frank, the prisoner’s mother, called on him soon after, also accompanied by a friend of the family.

It was slated at the jail that Frank slept soundly Monday night, apparently untroubled by the verdict of guilty which had been returned against him late in the afternoon.

Except for the emotion he betrayed when they told him of his conviction, Frank’s manner is the same he exhibited throughout the trial.

PDF PAGE 1

FRANK RECEIVES SENTENCE LIKE STOIC, ASSERTING HIS INNOCENCE OF THE CRIME

“Your Honor, I Say Now as I Have Always Said, I am In-Nocent. Further Than This My Case Is In the Hands of My Counsel,” Declared Condemned Man as He Stood Looking Judge Roan Squarely in the Eye”

MOTION FOR NEW TRIAL IMMEDIATE MADE AND OCTOBER 4 SET BY JUDGE TO HEAR ARGUMENTS

An Amended Motion, Setting Forth Grounds for New Trial in Detail, Will Be Filed Soon – Frank Returns to the Tower Where He Was Greeted With a Smile by His Wife–Newt Lee Free—How Verdict Was Received

JUDGE ROAN'S SENTENCE OF FRANK TO DEATH

STATE OF GEORGIA, vs. LEO M. FRANK.

Indictment for murder, Fulton superior court, May term, 1913,

Verdict of guilty, July term, 1913. Whereupon, it is considered, ordered and adjudged by the court that the defendant, Leo M. Frank, be taken from the bar of this court to the common jail of the county of Fulton and that he be there safely kept until his final execution in the manner fixed by law.

It is further ordered and adjudged by the court that on the tenth day of October, 1913, the defendant, Leo M. Frank, shall be executed by the sheriff of Fulton county in private, witnessed only by the executing officer, a sufficient guard, the relatives of such defendant, and such clergymen and friends as he may desire; such execution to take place in the common jail of Fulton county, and that said defendant on that day, between the hours of 10 o'clock a. m. and 2 o'clock p. m., be by the sheriff of Fulton county, hanged by the neck until he shall be dead, and may God have mercy on his soul.

In open court, this twenty-sixth day of August, 1913.

HUGH M. DORSEY Solicitor-General
Atlanta Circuit,
L. S. ROAN, Judge Stone Mountain Circuit, Presiding.

The trial of Leo M. Frank for the murder of Mary Phagan is at an end. It is complete. With the sentencing of the convicted man to death, Tuesday morning, the last word was written in the final chapter of the trial.

A sequel will be written, however, in the higher courts. To those courts, unless Judge L. S. Roan grants their motion for a new trial, the attorneys for Frank will carry their flight to set aside the verdict and its penalty.

Newt Lee, the negro whose discovery of the body of Mary Phagan led to the exposure of her murder, has been released from the tower and has gone his way.

Jim Conley, confessed accessory in concealing the murder of Mary Phagan, will be indicted soon for his admitted offense, will plead guilty in court, and will be sentenced. The maximum penalty is three years in state prison. The new grand jury will organize Monday, and probably will consider the bill against the negro next week.

Some time soon, but perhaps not for a couple of weeks, the attorneys for Frank will file an amended motion for a new trial of their client, substituting that for the motion which they filed in court Tuesday morning. The original motion is brief. The amended motion will be many pages long, and will set forth in detail after detail every ground upon which the lawyers will seek to have their client tried again.

WILL NOT HANG OCTOBER 10.

October 4 has been set by Judge Roan as the date upon which argument for and against the motion will be heard by him. If he over-rules the motion within thirty days thereafter the lawyers for Frank will take a bill of exceptions and so will carry the case to the state supreme court. If he grants the motion, the long trial will be repeated later. In either event, whether Judge Roan grants or overrules the motion for a new trial, Frank will not be hanged you October 10, though Judge Roan fixed that date in his sentence pronounced Tuesday. A writ of supersedeas will stay the execution until the motion is heard by the supreme court. If Judge Roan overrules it; and if the motion is granted, that act itself will involve the cancellation of the sentence.

If Judge Roan overrules the motion for a new trial, it is probably that the final decision of the supreme court will be known on or before next March. The supreme court either will overrule Judge Roan's decision and order a new trial, or will affirm that decision and allow the present verdict to stand. It is possible, however, that the supreme court's decision might be delayed as long as a year. Until the highest court does say the last word, Leo M. Frank can hope for life.

In a card published elsewhere in The Journal today, the attorneys for Frank characterize his trial as a farce, and assert that the temper of the public mind invaded the court room.

Leo M. Frank, the condemned man, now reaffirms his innocence, make except that he feels sorry for Frank's wife and mother.

FRANK RECEIVES SENTENCE.

Looking Judge L. S. Roan squarely in the eye just a

few seconds before the death sentence was passed upon him. Leo M. Frank, convicted of the murder of Mary Phagan, said:

"Your honor, I say no, as I have always said, I am innocent. Further than this my case is in the hands of my counsel."

A few moments later Judge Roan had read his sentence commanding the sheriff to execute Frank on October 10.

The formality required scarcely five minutes, and the young factory superintendent went through the ordeal as unflinchingly as he passed through the twenty-nine days of his trial.

"As he listened to the damaging testimony of the state's witnesses in the trial, he listened to the judge pass the death sentence. The authorities had kept the hour of the convening of court for the purpose of sentencing Frank a secret."

"Judge Roan, however, went to his chambers at the criminal court building on the fourth floor of the Thrower building shortly after 9 o'clock Tuesday morning. Shortly after 10 o'clock Attorneys Reuben R. Arnold, Luther Z. Rosser and Herbert Haas arrived and Judge Roan was informally notified that a motion for a new trial would be made. After a short conference Deputy Sheriff Plennie Minor was instructed to bring Frank from the tower.

At 10:20 o'clock he arrived, accompanied by Deputies John Owens, George Broadnax and T. A. Burdette, and several friends. Frank greeted his attorneys cheerfully and declared that he was in the best of health.

Solicitor General Hugh M. Dorsey had not been down to his office during the morning and he was not summoned, his assistant acting for him.

Assistant Solicitor Stephens had not completed the

writing of the formal court sentence when Frank arrived, and the prisoner remained conversing calmly with his attorneys for several minutes.

During the brief wait probably fifty people, hearing that the famous prisoner was about to be sentenced, dropped into the court room.

Judge Roan entered with the assistant solicitor, and court was formally in session.

“Mr. Frank, stand up,” said the court. Frank arose and stood near the attorneys’ table.

“Over here,” said a deputy, pointing to the railing in front of which so many men have stood and heard their death sentences read.

Frank walked over to the railing and stood looking Judge Roan squarely in the eye.

EXHIBITED NO EMOTION.

Frank exhibited far less emotion than the majority of the people in the court. He stood with his shoulders thrown back and his hands clasped behind his back.

“They jury, which has been trying your case for days, or rather for weeks.”

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FRANK SENTENCED TO HANG ON OCTOBER 10

(Continued From Page 1.)

said Judge Roan, “on yesterday afternoon rendered a verdict finding you guilty of murder. It is now my duty as the presiding judge of this court to pass the sentence of the law upon you for that offense. Before I pass that sentence, have you anything to say, wherefore it should not be passed?

Frank speaking calmly, and coolly in a voice which reached to every portion of the court room said:

“I say now, as I have always said, that I am innocent.

Further than that my case is in the hands of my counsel."

"Mr. Frank," said the court, "I have tried to see that you had a fair trial for the offense for which you have been indicted. I have the consciousness of knowing that I have made every effort, as the law requires one to do, to see that your trial was fair. Your counsel has notified me that a motion for a new trial will be filed in due order, and it will be duly heard. It is now my duty to pronounce sentence upon you."

Judge Roan then read the formal words ordering the prisoner to be executed on October 10, less than a week after the date set for the hearing of the arguments for a new trial.

Attorney Arnold then said: "Your honor, we now file our motion for a new trial, which I understand stays the sentence until it has been decided."

While Mr. Arnold was still talking to the court Frank turned and with his friends and the sheriff left the room.

Frank refused to add to the statement made in the court when seen by reporters.

FRANK RETURNS TO TOWER.

Frank arrived at the jail at 10:45 o'clock, returning from court after hearing the sentence of death. In the automobile with him, besides the two deputies, were several friends, among them being Herbert Haas, one of his lawyers.

In an automobile following, arrived Mrs. Leo M. Frank, accompanied by Deputy Sheriff Suttles.

Frank's friends went on ahead into the jail, and Frank waited in the hallway for his wife. She entered and put her arms around him and kissed him, smiling brightly. With one arm around him, she walked to the inner gate of the jail, talking and smiling, and entered there with him, the entire party going up to Frank's cell.

At the cell waited the mother of the condemned man, Mrs. Rae Frank, and his father-in-law, Emil Selig.

After remaining with her son in his cell at the jail three hours and fifteen minutes Tuesday morning, Mrs. Rae Frank, of Brooklyn, left the tower, accompanied by Rabbi David Marx, at 12:45.

Mrs. Frank, the condemned man's wife, and Emil Selig, his father-in-law, who came to the jail at 8:45 a. m., remained behind with the prisoner.

MRS. FRANK BREAKS DOWN.

Mrs. Leo M. Frank was with her husband in the Tower when news of the verdict was brought to him. He had waived his presence in the court room and she had chosen to remain at his side. Rabbi David Marx and Dr. H. J. Rosenberg, the family physician, told the young factory superintendent his fate. Mrs. Frank broke down and sobbed in her husband's arms. She was on the verge of unconsciousness, it is reported. Frank, however, took the news without exhibiting feeling. He appeared incredulous at first, it is maid, and then resumed the impassiveness which he maintained for four months.

"Even the jury was influenced by mob law," was his comment. As soon as his wife recovered sufficiently, Frank sent her home in care of friends.

A few minutes later he said to Dr. B. Wildauer, a close personal friend who was present when the news was brought: "I'm as innocent today as I was one year ago."

The two family friends had intended to wait until his wife left the jail before telling him, but, fearing that the news might be imparted in some other way they finally ascended the stairs of the jail and broke the message.

Solicitor General Dorsey had no comment to make on the case Tuesday morning. The defense attorneys, further than to admit they were preparing a petition for a new

trial and fight the verdict in higher courts, would say nothing. Each is planning to take a short vacation, it is said.

The jury reached their verdict within two hours after Frank's life had been placed in their hands. On the first ballot the vote was ten for conviction, one blank and one doubtful. Th second ballot was taken just one hour later and resulted in a unanimous vote for conviction.

When they agreed they notified Sheriff Mangum, who immediately endeavored to notify the lawyers of the defense, Solicitor Dorsey, Attorney Hooper and Judge Roan. The two latter were at the courtroom in less than half an hour. The solicitor did not arrive until fifteen minutes later. The acceptance of the verdict was delayed on the court's order until he arrived.

COURT ROOM CLEARED.

The courtroom was crowded with people from the time the jury retired until Judge Roan was ready to receive the verdict. Fearing a demonstration, however, the room was ordered cleared of spectators and only a few friends of Frank, the attorneys and newspaper men were present. A crowd estimated at two thousand remained on the streets in the vicinity of the building when the spectators were expelled and within ten seconds after Foreman Winburn read "We find the defendant guilty as charged," they received the news and cheered wildly. The din attracted others and the throng doubled in less than five minutes. A squad of mounted policemen, a score of patrolmen and a dozen deputies preserved order, keeping the sidewalks open.

Three thousand people cheered the solicitor when he left the courtroom ten minutes later. Several Stalwart supporters lifted him above the head of the multitude and carried him across the street to his office. When he

returned to the sidewalk to get in an automobile to go home, he was met with renewed applause. He lifted his hat and bowed. Then he shook hands with a dozen or more, waved his hat again to those farther away and was driven off up Pryor street.

In the courtroom the solicitor was on the verge of teras. He blamed it on his nerves and his sorrow for the wife and mother of the man he prosecuted. As he was polling the jury his eyes became moist and his voice trembled.

Neither Attorney Rosser or Arnold was present when the verdict was returned.

Mrs. Rae Frank, the young superintendent's mother, was at the home of the family in East Georgia avenue. It is said that she had gone there to prepare the house for her son's homecoming in the event of his release. She was keenly disappointed when friends drove up in automobiles and imparted the news to her. She was almost as impassive as her son, under the shock, though, it is said.

JURORS RECEIVED $53 EACH.

The jurymen, for their month's work received $58 each and the thanks of the court. During the long trial they have suffered more, probably than anybody except the lawyers. They listened to the talking of evidence seven hours a day, were cut off from all communication with the outside world and slept in hot hotel rooms. They all appeared relieved when they walked out from the court house Monday afternoon and separated to go to their various homes.

"I guess I can find the way alone," one of them remarked.

What went on behind the locked doors of the jury room may never be known to the public. Before the twelve men filed into court with their verdict, they agreed never to expose the procedure. It is not known who the single juror who voted against the death penalty on the first ballot is.

Just after the verdict had been read the jury was thanked by Judge Roan. He said: “This has been the longest trial I have ever participated in, and I dare say the longest you ever have or ever will. Thanking you for your long and faithful service and arduous labors and court will now dismiss you. The state will furnish your script. Let’s see, how many days?” Two members of the jury answered: “Twenty-nine days.”

The judge then instructed the sheriff to provide each of the twelve men with warrants calling for $58 each.

Following this the men remained in their seats for a few moments while several flashlights were taken.

“As soon as the judge finished his charge to the jury, I knew what the verdict was going to be,” said Mrs. J. W. Coleman, mother of Mary Phagan. “I felt easier after the case went to the jury than I have at any time since Mary was killed.”

When the jury retired, Mrs. Coleman left the court room and returned to her home in Lindsey street. There, with her living daughter and a few friends she awaited the news of the outcome. Mr. Coleman informed here of the decision half an hour after the verdict was read. She exhibited feeling, but did not break down nor sob.

CONLEY IS SILENT.

James Conley, negro sweeper, who testified to being the accomplice of Frank after the fact of the murder, is quartered in the Tower on another floor from his former

superintendent. He probably will receive a short sentence in the penitentiary for his part in the murder.

Conley had nothing to say Tuesday morning. He is the same quick-talking negro who withstood more than two days of Luther Z. Rosser's grueling cross-examination. He seems contented with the decision of the jury, although it is said that he expects much more severe punishment for his own part in the crime, than will actually be dealt out to him.

Newt Lee, the negro night watchman, is sorry his former superintendent has been found guilty. "I's sorry. I sure is sorry," mumbled old Newt in his cell directly above Frank's, when the news of the decision was brought him Monday night. Lee will be liberated at once.

Mrs. Frank Too Late To Hear Sentence

Mrs. Lucile Frank, who has stood by her husband faithfully, never missing a session of his long trial, rushed from her East Georgia avenue home in an automobile Tuesday when she learned that he was to be sentenced.

She arrived at the tower after he left for the criminal court building, and quickly followed after him.

Mrs. Frank was just a minute too late, however, to be with her husband, when the court read his death sentence.

Mrs. Frank's car drove up to the entrance of the Trower building just as Frank was entering the sheriff's car for the return trip to the tower.

Rabbi Marx Stunned By Verdict of Jury

Rabbi David Marx, who has been with Leo M. Frank every day during the trial, was stunned by the news of the jury's verdict. Leo Frank is a member of Rabbi Marx's congregation. In charity, orphans' home and other work they have been thrown in close contact. Dr. Marx had been granted a leave of absence by his congregation and was planning a trip to Europe. When Frank was arrested, he gave up the trip and stood by the young man, visiting him regularly in the jail and sitting near him throughout the trial.

Detectives Vindicated, Says Newport Lanford

Newport Lanford, chief of the detective branch of the city police department, considers the verdict in the Frank trial a complete vindication of the detectives from the criticisms directed against them on account of their methods in handling the case.

"I am not in the least surprised at the verdict," says he, "and I don't think any of my men are. Frank was given one of the fairest trials it has ever been my lot to figure in. A body of twelve honorable gentlemen have found him guilty of the murder of Mary Phagan. I am of the opinion that nearly everyone familiar with the case believes him guilty."

"The detectives have worked very hard on the case and have been untiring in their efforts to find the truth regarding the crime. We have been severely criticized by a few persons, most of whom are unfamiliar with the case and with police methods of obtaining evidence. I feel that we are vindicated completely by the verdict of the jury."

Solicitor Dorsey's Fee May Be Much As $80.50

For Weeks of Work and Grind in Frank Case Solicitor Cannot Get Over $80.50 and May Not Get a Cent More Than $50

For four weeks of work resulting in the conviction of Leo M. Frank on the charge of murdering Mary Phagan, the lawyers for the defense get a fee unknown, the judge and attaches of the court get their regular stipends, each of the jurors get $58, and the prosecutor, Solicitor General Hugh M. Dorsey, is supposed to get $30.50.

The solicitor's fee is theoretical. As a matter of fact, he will get nothing from the Frank case for court work or grand jury work; and the fee will go into insolvent costs. If later he convicts some other man, and that man is fined, and if he pays his fine, and if the fine is more than enough to pay the fee in that case—then the unappropriated balance of the fine will go to insolvent costs are paid (and they never are), the solicitor's records might show "paid" opposite the amount of the fee in the Frank case.

The solicitor's fee is fixed by law. In all felony casts it is $30.50. Big case and little case, the fee is the same. Acquittals net nothing, and the cost goes on the insolvent book. Convictions net nothing unless a fine is assessed. To hang a man, or to send him to prison, means no cash for the solicitor in any circuit. He is allowed the privileges of crediting himself with $30.50 to be paid at some future time, perhaps by somebody else. But that is all.

In the event the Frank case goes to the state supreme court, the solicitor will argue it there. And for his argument he will be paid in money $50 by the state of Georgia. The general belief is that Frank's lawyers will

carry the case to the supreme court. So it is fairly certain that for his work there, this solicitor will get $50 at least out of the Frank trial.

He may get as much as $80.50 altogether if the insolvent cost also is paid some time.

But that is all he can get.

NEW TRIAL MOTION FOR LEO M. FRANK SET FOR OCTOBER 4

Frank's Attorneys, Messrs. Rosser and Arnold, Moved For New Trial Immediately After Sentence Was Passed

Motion for a new trial was made Tuesday morning by attorneys for Leo M. Frank, and October 4 was set by Judge L. S. Roan as the date for hearing argument from them upon this motion.

Upon that day will begin the second phase in the legal battle which has grown out of the murder of Mary Phagan and the indictment of Leo M. Frank. Although Frank has been convicted and sentenced, the defense will continue its fight in his behalf and will center its hopes and its efforts on a new trial.

The evidence which Frank's attorneys insist is irrelevant was given by Conley, the negro sweeper, and was objected to by them some time after it had been submitted and after the cross-examination of Conley had begun. This part of Conley's testimony was an attack upon Franks' moral character, and charged him with crimes

which his attorneys insist are not mentioned in the bill of indictment.

“It Would Have Taken Jury

Of Stoics to Have Given

Leo Frank a Fair Trial”

So Declare Attorneys Rosser

and Arnold in Statement to

Public—“The Trial Was a

Farce,” They Say but Do

Not Criticize Judge Roan

Attorneys Luther Z. Rosser and Reuben R. Arnold, counsel for Leo M. Frank, Tuesday morning issued a statement in which they declared that their client had not had a fair trial; that with public sentiment like it was it would have required a jury of stoics or Spartans to have given him a fair trial; that with public sentiment like it was it would have required a jury of stoics or Spartans to have given him a fair trial; that they hoped to see the day when he could get a fair trial; and that the verdict had not shaken their belief in Frank’s innocence. Following is the statement:

We deem it not amiss to make a short statement, as the attorneys of Leo M. Frank, to the public.

The trial which has just occurred and which has resulted in Mr. Frank’s conviction, was a farce and not in any way a trial. In saying this, we do not make the least

criticism of Judge Roan, who presided. Judge Roan is one of the best men in Georgia and is an able and conscientious judge.

The temper of the public mind was such that it invaded the court room and invaded the streets and made itself manifest at every turn the jury made; and it was just as impossible for this jury to escape the effects of this public feeling as if they had been turned loose and had been permitted to mingle with the people.

In doing this we are making no criticism of the jury. They were only men and unconsciously this prejudice rendered any other verdict impossible.

It would have required a jury of stoics, a jury of Spartans to have withstood this situation.

The time ought to come when this man will get a fair trial, and we profoundly believe that it will.

The final judgement of the American people is a fair one. It is sometimes delayed in coming, but it comes.

We entered into this case with the profound conviction of Mr. Frank’s innocence. The result has not changed our opinion. Every step of the trial has intensified and fortified our profound conviction of his innocence.

L. Z. ROSSER.

R. R. ARNOLD.

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SOLICITOR DORSEY GLAD

FRANK TRIAL IS OVER

Swamped With Telegrams of Congratulation, Many From Persons Unknown to Him

One of the weariest men in Atlanta Tuesday was Solicitor General Hugh M. Dorsey.

“I’m mighty tired,” said he Tuesday morning, at his home on Sixteenth street. “But I slept very well last night, and I expect to remain at home all day, in bed if I can, unless I am called to court.”

But even at home the solicitor was not left undisturbed. His telephone was ringing almost constantly, with inquiries and messages from friends. Until late at night Monday it had rung. The calls came not only from Atlanta, but by long distance from other stations of the telephone company, principally in Georgia. Telegram from Georgia and other southern states, and even from other states of the union, were read to the solicitor, bringing congratulations. Letters in the mall brought similar expressions. Numbers of friends called in person to talk to him.

The solicitor declared that the large majority of the letters and telegrams and telephone calls came from person whom he did not know.

An inquiry as to whether he would take a vacation right away elicited a laugh from the solicitor.

“A little rest here today,” said he, “and then I get down to business for a few more days and try to make a little money for a living.”

Mr. Dorsey’s duties will demand his attention until the court term ends, and perhaps for some days thereafter. Then he will be busied by preparation for the next term of court.

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HARRY SCOTT MAY BE HEAD OF PINKERTONS

With the Resignation of H. B. Pierce, Scott Will Likely Become Superintendent

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The resignation of H. B. Pierce, superintendent of the Pinkerton Detectives agency, has been accepted by the agency. A. S. Cowardin, of New Orleans, general superintendent of the agency, said that Pierce would have been discharged if he had not been resigned.

The charge against him was insubordination in connection with the Frank case, the general superintendent said.

Pierce was accused by Solicitor Dorsey of underhand methods in the matter of certain evidence he said the detective had concealed from the police. The club and the pay envelope figured in this evidence. Chief Langford, of the detective department, also denounced Pierce.

It is believed that Harry Scott, assistant superintendent, will become superintendent. He was a dominant figure during the Phagan case.